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RUEHKP/AMCONSUL KARACHI PRIORITY 0287
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C O N F I D E N T I A L ISLAMABAD 002983

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TAGS: [PGOV](#) [PK](#) [PREL](#) [PHUM](#) [KJUS](#)
SUBJECT: ZARDARI BRINGS (SOME) JUDGES BACK... HIS WAY

REF: ISLAMABAD 2851

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

11. (C) Summary: Asif Zardari's Pakistan People's Party (PPP) is fulfilling its promise to reinstate the Musharraf-deposed judiciary, though it is doing it piecemeal and selectively. The GOP has now wooed back judges to all the provincial High Court benches. More significantly, though, three junior Supreme Court justices returned on September 5. More judges are expected to return to the expanded benches, with full seniority and benefits. PPP contacts are adamant that the former Chief Justice, however, will not be restored; several other justices are also reportedly out of favor with newly-elected President Zardari. End summary.

Supreme Court

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12. (C) Late September 5, on the eve of Pakistan's presidential election, Supreme Court Chief Justice Dogar administered a new oath of office to three junior Court justices who were deposed on November 3, 2007. Attorney General Latif Khosa revealed to PolOff September 5 that four or five more justices may agree to be "re-appointed" to the bench soon. The PPP is reportedly working behind the scenes to seal the deals.

13. (C) Of the 18 Supreme Court justices on the bench prior to the 2007 state of emergency, five joined the new Court almost immediately. With the three who re-joined on September 5, this leaves 10 unrestored justices. However, the three justices who prior to November 3 had more seniority than Dogar will probably never return. PPP contacts have been adamant that former Supreme Court Chief Justice Iftikhar Chaudhry will not be allowed back, at least not as Chief Justice. The second most senior justice has already retired because of age limits, and the third in rank resigned, accepting the position of Chairman over the GOP's Press Council.

14. (C) Disagreement between the ruling PPP and Pakistan Muslim League-Nawaz (PML-N) over the extent and manner that deposed judges would be reinstated contributed to the break-up of their coalition government. The strength of the Supreme Court was raised to 29 by the PPP-led GOP as an amendment to its late June federal budget. The PPP is now taking full advantage of this increase, promoting deposed judges from the provincial High Courts to the Supreme Court. The "re-appointed" judges are returning with their bench seniority intact and receiving full retirement benefits.

"Re-Appointed"
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¶5. (C) More and more deposed provincial High Court judges have also agreed to take new oaths after eight of 15 re-joined the Sindh High Court on August 27 (reftel). Federal Law Minister Farooq Naek, by his own account to PolOff, has worked for months to lure them back. Four judges returned to the Lahore High Court (Punjab) on August 30, and three Peshawar High Court (Northwest Frontier Province) judges, including that bench's sacked chief justice, returned September 5. (Note: All of the Balochistan High Court judges had agreed to take the oath under the Provisional Constitution Order (PCO) soon after November 3, 2007.)

¶6. (C) Comment: Zardari has been successful in neutralizing rival Nawaz Sharif on PML-N's key issues: the ouster of Musharraf and reinstatement of the judges. Zardari's plan to leave former Chief Justice Chaudhry standing virtually alone and unable to rally support appears to be succeeding. Nawaz Sharif will need to find some new issues, most likely the PPP's management of the economy and the battle against militancy. End comment.

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